



Docket No. 701586-53023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles R. Cantor and Chunming Ding
Application No.: 10/655,762 Group No.: To be assigned
Filed: September 5, 2003 Examiner: To be assigned
For: QUANTIFICATION OF GENE EXPRESSION

**Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

PETITION

In response to the Notice to File Missing Parts of Nonprovisional Application, applicants hereby contend that Figure 6 (sheet 6/6) as described in the specification of the above-identified application was deposited, and in fact received in the U.S. Patent and Trademark Office on September 5, 2003, with the nonprovisional application papers.

Attached is a copy of the US PTO stamped return receipt postcard describing and acknowledging that 6 sheets of drawings were sent to and received by the US PTO on September 5, 2003.

Further, the undersigned herewith states that on December 29, 2003, she called the Office of Initial Patent Examination and was told that six sheets of drawings, including sheets labeled 1/6, 2/6, 3/6, 4/6, 5/6, and 6/6, were in fact received in this application.

The originally submitted Figure 6 was labeled as "Figure 6; 6/6", however the specification inadvertently labeled the figure as "Figs 6A-H." Applicants submit simultaneously

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PETITION

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QUANTIFICATION OF GENE EXPRESSION

herewith a Preliminary Amendment correcting this clerical error in the specification. The specification should refer to "Fig 6."

The fee of \$130.00 for the petition is enclosed herewith. Should any additional fee be necessary in connection with this petition, the Commissioner is herewith authorized to charge the necessary fee or credit any overpayment or refund to Nixon Peabody deposit account No. 50-0850.

Refund of the petition fee is respectfully requested herewith after the Office has determined that the Figure 6 was in fact deposited on September 5, 2003.

In view of the foregoing, Applicants submit that all claims are in condition for allowance. Early and favorable action is requested.

Respectfully submitted,

Date: 12/29/2003



Leena H. Karttunen, under 37 C.F.R. 10.9(b)
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Mailing Date: September 5, 2003

Attorney/Sec: RIE/LHK/mck
Docket No.: 701586-53023

Client: Boston University

Inventors: Cantor et al.

Serial No.: To be assigned

Patent No.:

Filing Date: To be assigned

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:
Utility Application (27 pp.); Specification - 18 pp.; Claims - 2 pp.; Abstract -
1 pg.; Drawings - 6 sheets;
Utility Application Transmittal (3 pp.);
Application Data Sheet (2 pp.);
Express Mail - EL948181607 (1 pg.);
Limited Recognition Under 37 CFR §10.9(b) (1 pg.); and
Return Receipt Postcard.

Due Date:

22386 U.S. PTO
10/655762

09/05/03

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SEP 15 2003
NIXON PEABODY LLP